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6 Attorneys for PLAINTIFF AND COUNTER-DEFENDANT
 GOOD TIMES RESTAURANTS, LLC AND
 7 THIRD PARTY DEFENDANT VIKRAM BHAMBRI

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10 UNITED STATES DISTRICT COURT

11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 GOOD TIMES RESTAURANTS, LLC, a California limited liability company,	)	Case No. 3:21-cv-07688 AGT
14 v.	)	AMENDED NOTICE OF MOTION AND
15 SHINDIG HOSPITALITY GROUP LLC, an Illinois limited liability company; and DOES 1-10,	)	MOTION OF COUNTER-DEFENDANT
16 v.	)	GOOD TIMES, LLC AND THIRD PARTY
17 SHINDIG HOSPITALITY GROUP LLC, an Illinois limited liability company	)	DEFENDANT VIKRAM BHAMBRI TO
18 Counter-Plaintiff,	)	DISMISS PORTIONS OF THE
19 Counter-Defendant.	)	COUNTERCLAIM OF SHINDIG
20 v.	)	HOSPITALITY GROUP, LLC
21 GOOD TIMES RESTAURANTS, LLC, a California limited liability company,	)	Date: Friday, March 25, 2022
22 Counter-Defendant.	)	Time: 10:00 a.m.
23	)	Courtroom: A – 15th Floor
24	)	[The Honorable Alex G. Tse]

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that on Friday, March 25, 2022 at 10:00 a.m., or as
3 soon thereafter as the matter can be heard before the Honorable Alex G. Tse in
4 Courtroom A, 15th Floor of the United States District Court for the Northern District of
5 California, located at 450 Golden Gate Avenue, San Francisco, California 94102,
6 counter-defendant Good Times Restaurant, LLC (“Good Times”) and Third Party
7 defendant Vikram Bhambri (“Bhambri”) will, and hereby do, move to dismiss the
8 Second, Third, Fifth, Sixth and Seventh Claims for Relief to the counterclaim and Third
9 Party complaint of Shindig Hospitality Group, LLC (“Shindig”) which Shindig
10 collectively refers to in its pleading as the “Counterclaim.”

11 The Motion to Dismiss (the “Motion”) is made pursuant to Rule 12(b)(6) of the
12 Federal Rules of Civil Procedure on the grounds that the Consulting and Licensing
13 Agreement alleged in the Counterclaim is not a franchise agreement. As such, the
14 Counterclaim fails to state a claim upon which relief can be based for violation of (i) the
15 California Franchise Investment Law as asserted in the Second Claim for Relief; (ii) the
16 California Unfair Competition Law (the “UCL”) as asserted in the Fifth Claim for relief;
17 the California Franchise Relations Act as asserted in the Sixth Claim for Relief; and the
18 Illinois Franchise Disclosure Act as asserted in the Seventh Claim for Relief.

19 Good Times and Bhambri further move, under Rule 12(b)(6) to dismiss the Third
20 Claim for Relief for Breach of Fiduciary duty because it fails to state a claim upon which
21 relief can be granted.

22 Good Times and Bhambri will further move to dismiss, under Rule 12(b)(6), the
23 Eighth Claim for Relief for fraudulent misrepresentation because it fails to state a claim
24 upon which relief can be granted.

25 This Motion is based on this Amended Notice of Motion and Motion, the
26 accompanying Memorandum of Points and Authorities; all pleadings on file in this matter
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1 and the arguments of counsel and all other matters that may be presented to the Court at
2 the time of the hearing of this Motion.

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5 Dated: February 15, 2022

GORDON REES SCULLY MANSUKHANI, LLP

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By:

7 David L. Jordan

8 Edward Romero

9 Attorneys for PLAINTIFF AND COUNTER-
DEFENDANT GOOD TIMES RESTAURANTS,
LLC and THIRD PARTY DEFENDANT
VIKRAM BHAMBRI

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CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2022, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the CM/ECF registrants.

/s/ David L. Jordan
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